

REMARKS

Claims 5-6 are pending and stand rejected. Claims 5-6 have been amended. New claim 7 has been added to the application. By way of this Amendment, Applicant hereby traverses the rejections.

SECTION 102 REJECTIONS

Claims 5-6 stand rejected under 35 USC 102 as being anticipated by Shah. With respect to this rejection, Applicant respectfully traverses.

The Office Action states that Shah discloses “detecting the presence of the personal mobile phone (see Shah section [0055], [0046], and claims 3 and 4)...” Applicant respectfully disagrees. Shah’s section [0055] discloses “the personal wireless telephone 201 may use the wireless LAN 207 to detect when it is in close proximity to the vehicular wireless telephone.” Thus, Shah’s mobile phone detects the presence of the phone embedded in the vehicle, while Applicant’s method teaches using the phone embedded in the vehicle to detect the presence of the mobile phone.

Regarding Shah, the Examiner states that the “personal mobile phone and the embedded phone in the car are mobile phones . . . A program product included in the mobile to perform some actions can very well be incorporated in the phone embedded in the car to perform the same actions.” The Applicant respectfully submits that it is inappropriate to maintain a rejection based on novelty (*i.e.*, 35 U.S.C. 102) on the reasoning that the prior art failed to teach the claimed limitation, but nonetheless could have taught the limitation. An embodiment in which the vehicular telephone 203 detects close proximity to the personal telephone 201 is notably absent from the teachings of Shah.



The Office Action states that Shah discloses “receiving a mobile subscriber identification number from the detected phone (see Shah section [0047], [0048]...).” Applicant respectfully disagrees. Shah discloses “the wireless LAN communication unit 205B may be disabled until it receives a proper activation code from the subscriber or the wireless service provider 121B” (Shah section [0047]). Additionally, Shah discloses “The subscriber may provide the identity authentication code by inputting the code directly into the personal wireless telephone 201 for its use in communication with the wireless telephone 201, or, e.g., the wireless service provider 121A may append the identity authentication code on all communications that may be relayed to the vehicular wireless telephone” (Shah section [0048]). Thus, Shah does not disclose receiving a mobile subscriber identification number from the detected phone, as claimed by Applicant.

Regarding Shah, the Examiner states that “[i]t would be obvious to those skilled in the art that receiving identification number of phone is an inherent part of call setup.” The Applicant respectfully submits that it is inappropriate to maintain a rejection based on novelty (*i.e.*, 35 U.S.C. 102) on the reasoning that the prior art failed to teach the claimed limitation, but the limitation was obvious to the skilled in the art. Moreover, a wireless network authority directly receiving an identification number from a mobile phone may be inherent to call setup, but the Examiner is respectfully requested to cite authority standing for the proposition that one phone receiving an identification number from another phone is inherent in achieving the objective of the claimed limitations.

The Office Action states that Shah discloses “...receiving a confirmation of the authentication...(see Shah section [0047], [0048], [0049], [0050], and [0051] ...)” Applicant respectfully disagrees. Shah states in section [0049], “It should be noted that verification of the identity authentication code can be performed either by the personal wireless telephone 201 or by the network 101A, or by a combination of both.” However, Shah fails to disclose that verification of the identity authentication code can be performed by the phone embedded in the vehicle, as claimed in Claim 5.



Regarding Shah, the Examiner states that “[i]t would be obvious to those skilled in the art that the computer program product running on the personal mobile can very well be running, in one embodiment, on the embedded phone and perform verification of the identity authentication code which is an inherent part of communication setup.” The Applicant respectfully submits that it is inappropriate to maintain a rejection based on novelty (*i.e.*, 35 U.S.C. 102) on the reasoning that the prior art failed to teach the claimed limitation, but the limitation was obvious to the skilled in the art. Moreover, the Examiner is respectfully requested to cite authority standing for the proposition that one phone acting as an intermediary between another phone and a wireless network authority is inherent in achieving the objective of the claimed limitations.

Claims 5 and 6 recite receiving a confirmation of authentication from the personal mobile phone, sending the confirmation of the authentication to the wireless network authority, ending communication between the personal mobile phone and the embedded phone, and opening a communication session with the wireless network based on the sent confirmation. Shah fails to teach or suggest that the vehicular telephone 203 receives confirmation of authentication from the personal telephone 201, sends the confirmation of the authentication to a wireless network authority, ends communication with the personal telephone 201, and opens a communication session with the wireless network based on the sent confirmation.

Moreover, in reviewing Shah, it is critical to note that Shah discloses at least two invention embodiments, the features of which do not necessarily overlap. For example, sections 46-51 of Shah describe a first embodiment in which the sole objective is to enable the vehicular telephone 203 and the personal telephone 201 to communicate with one another over an LAN. The authentication/verification activities described in these sections have establishment of this communication as their sole aim. There is no teaching or contemplation whatsoever in Shah, however, that, as required by Applicant’s claims, one phone exchanges authentication information with the other phone in order to establish a communication session with the wireless network from which an authentication request was received.



For at least these reasons, Applicant respectfully submits that Shah fails to anticipate Claims 5 and 6.

25315

CUSTOMER NUMBER

- 7 -

INTL-1-1039ROA

BLACK LOWE & GRAHAM ^{PLLC}



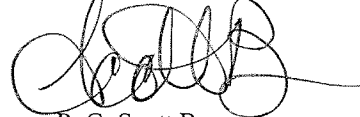
701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

CONCLUSION

In view of the Remarks set forth herein, all pending claims stand in condition for allowance. **If the Examiner disagrees with the positions advanced herein, the Applicant respectfully requests that the Examiner, prior to issuing an action rejecting any of the pending claims, contact the undersigned to arrange a telephonic discussion of the application.**

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



P. G. Scott Born
Registration No. 40,523
Direct Dial: 206.957.2491

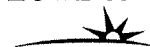
25315

CUSTOMER NUMBER

- 8 -

INTL-1-1039ROA

BLACK LOWE & GRAHAM^{PLLC}



701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301